

## Message Text

LIMITED OFFICIAL USE

PAGE 01 GENEVA 04523 232137Z  
ACTION L-03

INFO OCT-01 IO-13 ISO-00 CIAE-00 COME-00 EB-08 INR-10  
LAB-04 NSAE-00 SIL-01 CPR-01 JUSE-00 TRSE-00  
EUR-12 /053 W  
-----109889 241059Z /10  
R 232108Z MAR 78  
FM USMISSION GENEVA  
TO SECSTATE WASHDC 7644  
INFO USMISSION USUN NEW YORK

LIMITED OFFICIAL USE GENEVA 04523

E.O.11652:N/A  
TAGS: ILO  
SUBJECT: ILO: PRIVILEGES AND IMMUNITIES

REF: STATE 073185

1. ILO OFFICIALS HAVE BRIEFED MISSION LABATT ON THEIR CONCERNS ASSOCIATED WITH THE LOSS OF PRIVILEGES AND IMMUNITIES FOR BOTH THE NEW YORK AND WASHINGTON OFFICES. THE FOLLOWING INFORMATION MAY BE USEFUL TO THE DEPARTMENT PER REFTEL.

2. NEW YORK OFFICE -- THE ILO NEW YORK LIAISON OFFICE IS THERE FOR THE PURPOSE OF RELATIONSHIPS WITH THE UNITED NATIONS. IN THE VIEW OF THE ILO THE CLOSING OF THE NEW YORK OFFICE WOULD GREATLY HAMPER THE EXCHANGE OF INFORMATION AND CONSULTATION BETWEEN THE ILO AND THE UN AS WELL AS IMPEDE ATTENDANCE OF THE ILO AT UN MEETINGS. THE ILO IS EXAMINING THE POSSIBILITY OF SALVAGING THIS OPERATION BY SOME KIND OF ARRANGEMENT UNDER THE HEADQUARTERS AGREEMENT OF THE UNITED NATIONS, SPECIFICALLY SECTION 15 OF THE AGREEMENT OF JUNE 26, 1947. THE ILO WOULD HOPE THE UN COULD CLAIM OR NEGOTIATE

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 GENEVA 04523 232137Z

WITH THE U.S. PRIVILEGES AND IMMUNITIES ON BEHALF OF THE ILO AS "RESIDENT MEMBERS OF THE STAFFS OF REPRESENTATIVES OF A SPECIALIZED AGENCY".

3. WHILE THIS SOLUTION WOULD RESOLVE THE QUESTION OF IMMUNITY, THE ILO IS NOT CERTAIN HOW IT WOULD AFFECT THE QUESTION OF LEGAL CAPACITY -- WHETHER THE ILO WOULD

BE ABLE TO ENTER INTO LOCAL CONTRACTS.

4. RELATED TO THE LOSS OF IMMUNITIES IS THE STATUS OF THE PREMISES OF THE NEW YORK LIAISON OFFICE. APPARENTLY THE ILO WAS GRANTED A LEASE BY THE CARNEGIE FOUNDATION BASED ON THE ILO'S STATUS AS A TAX-EXEMPT ORGANIZATION. ACCREDITATION TO THE UN WOULD PROBABLY SUFFICE TO PRESERVE THIS STATUS.

5. SHOULD THE ILO BE UNABLE TO ARRANGE UN PROTECTION FOR THE NEW YORK OFFICE THE ILO MIGHT CONSIDER ATTEMPTING TO ESTABLISH THAT OFFICE AS A TAX-EXEMPT ORGANIZATION.

6. WASHINGTON OFFICE -- THE ILO DOES NOT HAVE A CLEARLY DEFINED CONCEPT ABOUT WHAT CAN BE DONE TO SALVAGE THE WASHINGTON OFFICE. IT IS IMPORTANT FOR LIAISON WITH THE U.S. GOVERNMENT AND INTERNATIONAL INSTITUTIONS BASED IN WASHINGTON, PARTICULARLY THE WORLD BANK AND THE IMF. THE ILO WOULD PREFER SOME KIND OF SPECIAL AGREEMENT WITH THE U.S. WHICH WOULD PERMIT THE CONTINUED OPERATION OF THAT OFFICE WITH PRIVILEGES AND IMMUNITIES CLEARLY PROTECTED. HOWEVER, ILO OFFICIALS ARE NOT OPTIMISTIC THAT THIS CAN BE ARRANGED. MORE LIKELY IN THEIR VIEW WOULD BE THE INCORPORATION OF THAT OFFICE AS A CHARITABLE, NON-PROFIT OR EDUCATIONAL ORGANIZATION - POSSIBLY AN ASSOCIATION, DEPENDING ON DISTRICT OF COLUMBIA AND U.S. LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 GENEVA 04523 232137Z

LAWS. ALTERNATIVELY, BUT LESS ACCEPTABLE, THE ILO WOULD CONSIDER TRANSFERRING THE ACTIVITIES, PARTICULARLY BOOK SALES TO THE NEW YORK OFFICE, ASSUMING THE ARRANGEMENT CITED IN PARA 2 CAN BE WORKED OUT OR EVEN TO OTTAWA AS A LAST RESORT.

7. THE PRACTICAL CONCERNS OF THE ILO ARE THE SAME FOR BOTH WASHINGTON AND NEW YORK. THEY INCLUDE: (A) CONCERN FOR STAFF AND PROPERTY WHICH ONCE IMMUNITY STATUS IS LIFTED PLACE THEM UNDER JURISDICTION OF U.S. AND LOCAL LAWS; (B) CONCERN FOR SEARCH AND CONFISCATION. THE RECORDS, ARCHIVES, AND COMMUNICATIONS, FOR EXAMPLE, WOULD BE SUBJECT TO SEIZURE UPON WARRANT PURSUANT TO A JUDICIAL OR CONGRESSIONAL INQUIRY; (C) HOW RECORDS WOULD HAVE TO BE MAINTAINED UNDER THE APPROPRIATE U.S. AND LOCAL LAWS; (D) CUSTOMS DUTIES, PARTICULARLY AS RELATED TO BOOK SALES OR POSSIBLY EQUIPMENT; IMMIGRATION AND NATURALIZATION STATUS FOR NON-U.S. EMPLOYEES, AND SOCIAL SECURITY PAYMENTS FOR SUCH EMPLOYEES. VANDEN HEUVEL

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** DIPLOMATIC PRIVILEGES, INTERNATIONAL LABOR ORGANIZATIONS, AMENDMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 23 mar 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978GENEVA04523  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780130-0282  
**Format:** TEL  
**From:** GENEVA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780333/aaaabbtd.tel  
**Line Count:** 113  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** f0391fbf-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION L  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 78 STATE 73185  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 05 may 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** N/A  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3228771  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** ILO: PRIVILEGES AND IMMUNITIES  
**TAGS:** ELAB, US, ILO  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/f0391fbf-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014